UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,122	06/23/2003	Adam Wade Smith	13768.371	9110

47973   7590   12/27/2007

WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER
SHIN, KYUNG H

ART UNIT	PAPER NUMBER
2143	

MAIL DATE	DELIVERY MODE
12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action **_Before the Filing of an Appeal Brief_**	10/602,122	SMITH ET AL.
	Examiner	**Art Unit**	
	Kyung H. Shin	2143	

<p align="center">--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</p>

THE REPLY FILED <u>06 December 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>_1-29_</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Response to Arguments

     Examiner's position is still that the customized dependencies functions are merely object oriented programmed techniques utilizing instances of a class and inheritance of methods. These are not novel or unique and are well known in the art. The customized functions are merely software programming techniques utilizing the base functions existing in the object oriented programming languages. Singhal and Sobeski combination discloses the capability to dynamically add properties (customization) to a data cache object.

     Applicants remarks (Page 11 and in claims 1, 15, 28 and 29) mention the phrase "to implement unique functionality" which is a broad statement. This claim limitation does not specifically indicate the type of functionality for the inherited methods of the extensible cache dependency class. Later, dependent claim limitations mention somewhat specific functions for the cache object, but these independent claims do not specify any cache object functions.

     Singhal discloses that the prior art invention can be implemented as a software product. (see Singhal col. 3, lines 42-44: software implementation) The Sobeski prior art discloses object oriented (languages: Java, C++, ASP.NET; programming constructs: class, method, inheritance, instance: (http://searchwebservices.techtarget.com/sDefinition/0,,sid26_gci212681,00.html)) characteristics utilized in the development of the software for the prior art invention. Singhal and Sobeski combination discloses that the prior art invention is implemented utilizing an object oriented programming language and the class data structure (base class). (see Sobeski col. 1, lines 14-16: dynamic cache; col. 1, lines 27-32; col. 1, lines 48-50: data and methods (class, base class, inheritance) of an object; col. 5, lines 18-23; col. 5, lines 59-63: data cache objects) The developed software utilizing the base class data structure(s) can be customized to perform a plurality of cache dependency functions. The Sobeski prior art discloses the designation of dynamic properties for the cache class object (cache dependency

     The examiner has considered the applicant's remarks concerning a system, method, and computer products for deriving custom cache dependencies. A framework that includes an extensible cache dependency base class that can be used to derive custom cache dependency classes for invalidating cache entries on some custom condition is disclosed. Applicant's arguments have thus been fully analyzed and considered but they are not persuasive.

     After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Singhal (7,096,418) discloses the applicant's invention.

10/602,122 '   KHS   12/20/2007